

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ISLAMIC SAUDI ACADEMY
Employer

and

Case 05-RC-080474

ISLAMIC SAUDI ACADEMY EMPLOYEE
PROFESSIONAL ASSOCIATION (ISAEPa)
Petitioner

ORDER

On August 17, 2012, the Board issued an Order granting the parties' Requests for Review of the Regional Director's Decision and Direction of Election solely with regard to whether the Board has jurisdiction over the petitioned-for teacher and non-teacher employees. On December 16, 2014, the Board issued its decision in *Pacific Lutheran University*, 361 NLRB No. 157, which addressed, among other things, the standard the Board will apply for determining, in accordance with *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979), when we should decline to exercise jurisdiction over faculty members at self-identified religious colleges and universities.

At the time of the Board's Order, the composition of the Board included persons whose appointments were challenged as constitutionally infirm, one of whom participated in the case. On June 26, 2014, the United States Supreme Court issued its decision in *NLRB v. Noel Canning*, 134 S. Ct. 2550 (2014), holding that the challenged appointments to the Board were not valid. In view of that decision, we vacate the Order that issued on August 17, 2012. We remand the question whether the Board has jurisdiction over the petitioned-for teacher and non-teacher employees¹ to the Regional Director for further appropriate action consistent with *Pacific Lutheran University*.²

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER
HARRY I. JOHNSON, III,	MEMBER
LAUREN McFERRAN,	MEMBER

Dated, Washington, D.C., February 26, 2015.

¹ The August 17, 2012 Order, vacated today, denied review on the issue of whether the Board lacks jurisdiction over the Employer because it is an instrumentality of a foreign government under the Foreign Sovereign Immunities Act (FSIA). That issue is severed and retained for further consideration.

² Members Miscimarra and Johnson adhere to their dissenting views in *Pacific Lutheran University*. Nevertheless, they agree with their colleagues that a remand is appropriate.